

C-1
card

second alcohol selected from alkylene diols having not more than 8 carbon atoms, alkyleneoxy diols having not more than 8 carbon atoms, polyols, and mixtures thereof; and (iii) a third alcohol selected from diols containing a charged group or atom, diols containing an uncharged group or atom or a compound containing an uncharged group or atom capable of charge formation and at least partially converting the uncharged group or atom into a charged group or atom, and mixtures thereof and charged polyurethane obtainable by the process, an aqueous dispersion thereof and the use thereof in surface-treating a material by applying the charged polyurethane to the surface of the material.--

165

REMARKS

In the Office Action, the abstract of the disclosure is objected to as being too long. The abstract has been amended herein to contain less than 150 words. No new matter has been added.

In the Office Action, claims 1-18 are pending. Claims 1-10 are allowed. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schurmann (U.S. Patent No. 4,096,127). This rejection is respectfully traversed.

Rejected claims 11-18 of the present invention are directed to charged polyurethanes obtained by the process of allowed claim 1, an aqueous dispersion containing such charged polyurethanes, and a method of surface treating a material in sheet or web form with a composition containing such charged polyurethanes.

The patentability of a product-by-process claim is based on the product itself and does not depend on its method of production. MPEP §2113. The burden is on the Patent Office to show that the claimed product appears to be the same or similar to that of the prior art product. *Id.* This burden has not been met.